

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

MICHAEL AMOS, et al.

PLAINTIFFS

V.

NO. 4:20-CV-7-SA-JMV

NATHAN BURL CAIN, et al.

DEFENDANTS

Consolidated With

DARRAN LANG, et al.

PLAINTIFFS

V.

NO. 4:20-CV-30-SA-JMV

JEWORSKI MALLET, et al.

DEFENDANTS

DEFENDANTS' MOTION TO DISMISS 197 PLAINTIFFS

Defendants Nathan “Burl” Cain, in his official capacity as Commissioner of the Mississippi Department of Corrections (“MDOC”), Jeworski Mallett, in his official capacity as the Deputy Commissioner of Institutions of MDOC, Timothy Morris, in his official capacity as the Superintendent of the Mississippi State Penitentiary at Parchman (“MSP”), Donald Faucett, in his official capacity as Chief Medical Officer of MDOC, Lee Simon, in his official capacity as the Warden of Area I of MSP, Tracy McDonald, in her official capacity as the Warden of Area II of the MSP, and Sonja Staniel, in her official capacity as Chief of Security of MSP (“Defendants”), file this Motion to Dismiss the claims of 197 of the 277 named Plaintiffs on the bases that these named Plaintiffs have not sufficiently alleged and cannot prove the existence of a live case or controversy, and they have not adequately prosecuted their claims as directed by the Court and cannot do so.

In support, Defendants rely on their accompanying memorandum of law and the Declaration of Jeworski Mallett with attached inmate housing histories, which is attached as

Exhibit 1 to this Motion. For the Court's convenience, Defendants have also attached the following appendices relating to the categories of Plaintiffs discussed in the accompanying memorandum:

- Appendix 1 – Admittedly Transferred Plaintiffs
- Appendix 2 – Omitted Plaintiffs
- Appendix 3 – *Pro Se* Plaintiffs
- Appendix 4 – Transferred *Pro Se* Plaintiffs
- Appendix 5 – Nonprosecution Plaintiffs
- Appendix 6 – Plaintiffs Not Subject to Dismissal by this Motion

Based on these materials, Defendants respectfully request that the Court dismiss with prejudice all claims by the following 197 Named Plaintiffs:

- | | |
|-------------------------|-----------------------|
| 1. Andrew Alexander | 24. Demario Coleman |
| 2. Jamar Allen | 25. Nathan Collier |
| 3. Michael Amos | 26. Johnny Colton |
| 4. Cedric Andrews | 27. Donte Conner |
| 5. Christopher Ballard | 28. James Cox |
| 6. John Henry Barnett | 29. Walter Dennis Cox |
| 7. Kevin Boyd | 30. Nicholas Crawford |
| 8. Roger Boyd | 31. Charles Cross |
| 9. Nicholas Brooks | 32. Dustin Crump |
| 10. Charles Brown | 33. Ricky Darden |
| 11. Frederick Brown | 34. Antonio Davis |
| 12. Marlon Bruce | 35. Erphon Davis |
| 13. Caleb Buckner | 36. John Davis |
| 14. Johnathan Burns | 37. Antonio Davis |
| 15. Keyshun Burnside | 38. Jonathan Davis |
| 16. Dillon Callaway | 39. Anthony Day |
| 17. Gregory Canerdy | 40. Henry Dennis |
| 18. Michael Cannon | 41. Joseph Dennis |
| 19. Carlos Carter | 42. James Dooley |
| 20. Ted Dewayne Cauthen | 43. Wendell Duncan |
| 21. Lebarron Chatman | 44. James Durr |
| 22. Johnathan Clark | 45. Chancellor Eaton |
| 23. Wesley Clayton | 46. Jamie Elaire |

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|-------------------------|------------------------------|
| 47. Lorenzo Evans | 88. Shaquille Johnson |
| 48. Ray Evans | 89. Xavier Johnson |
| 49. Nigel Farmer | 90. Quenten Johnson |
| 50. Antron Finklea | 91. Alexander Jones |
| 51. Troy James Ford | 92. Michael Jones |
| 52. Willie Friend | 93. Frederick Jordan |
| 53. Ricky Frierson | 94. Juarez Keyes |
| 54. Isaac Garner | 95. Corderrius King |
| 55. Terrence Gatlin | 96. Newton Knight |
| 56. Charles Gayles | 97. Darren Lang |
| 57. Brandon Gilmore | 98. Malcom Lathan |
| 58. Joseph Glenn | 99. Justin Lease |
| 59. Antonio Goldman | 100. Billy Lee |
| 60. Kenneth Gowdy | 101. Legrane Lenox |
| 61. Tyler Graham | 102. Deaunte Lewis |
| 62. William Green | 103. Curtis Lipsey |
| 63. Stephen Grisham | 104. Alvin Lockett |
| 64. Dantavious Hairston | 105. Jimmie Magee |
| 65. Jonathan J. Ham | 106. Ted Mangum |
| 66. Justin Hammons | 107. Chad Marshall |
| 67. Brymon Hamp | 108. Adrian Martin |
| 68. Desmond Hardy | 109. Bradley Mask |
| 69. Carlos Henderson | 110. Larry Maxwell |
| 70. Jonathan Herrington | 111. Kentures McCoy |
| 71. Gregory Hicks | 112. Jesse McCuin |
| 72. Jenarian Hill | 113. Terrance McKinney |
| 73. Joseph Holiday | 114. Kristopher Meisenholder |
| 74. Quincy Holmes | 115. Tyler Miller |
| 75. Antonio Hoover | 116. Charles Miles |
| 76. Kewan Hosey | 117. Sammy Miller |
| 77. Alchello House | 118. Bobby Mitchell |
| 78. George Hudson | 119. Bobby Montson |
| 79. Nathaniel Jackson | 120. Ivery Moore |
| 80. William Jackson | 121. Eris Moore |
| 81. Justin James | 122. Alex Morris |
| 82. Billy James Jr. | 123. Bennie Motten |
| 83. Michael A. Jamison | 124. Timothy Myers |
| 84. Shun January | 125. Brian Nettles |
| 85. Dennis Jobe | 126. Victor Otempong |
| 86. Calip Johnson | 127. Cory Page |
| 87. Sellers Johnson | 128. Derrick Pam |

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|--------------------------------|---------------------------|
| 129. Travis Partee | 164. Jammichael Strong |
| 130. Jeremiah Patterson | 165. Darwin Strahan |
| 131. Terry Pierce | 166. Cordarius Strong |
| 132. Casimir Poe | 167. James Sudduth |
| 133. Wilfred Powell | 168. Michael Tarvin |
| 134. Mario Ragland | 169. Demarquis Tate |
| 135. Marcus Ramsey | 170. Deangelo Taylor |
| 136. Michael Ray | 171. Lemartine Taylor |
| 137. Joseph Lee Reese | 172. Charlie Taylor |
| 138. Russell Reich | 173. Keith Thayer |
| 139. Jerry Rice | 174. Christopher Thomas |
| 140. James Richards | 175. Eric Thomas |
| 141. Emanuel Richardson | 176. Raymond K. Thomas |
| 142. Tyredius Roberts | 177. Kevin Thomas |
| 143. Brandon Robertson | 178. Mark Thomas |
| 144. Quincy Robertson | 179. Conti Tillis |
| 145. Derrick Rogers | 180. Airick Toins |
| 146. Ronaldo Rogers | 181. Qy'Darrious Towns |
| 147. Kendrick Ross | 182. Zarek Tyler |
| 148. Leon Ruffin Jr. | 183. Kendrick Tyson |
| 149. Dominico Saddler | 184. Carlos Varnado |
| 150. Charles Daniel Scrimshire | 185. Marcus Vaughn |
| 151. Daryl Shinn | 186. Linnox Walker |
| 152. Phillip Shumaker | 187. Johnny Wallace |
| 153. Lonnie Sims | 188. John Fitzgerald Ware |
| 154. Herman Sipp Jr. | 189. Antwune Washington |
| 155. Tyler Smith | 190. Corey James Wells |
| 156. Christopher Smith | 191. Efrem Whitfield |
| 157. Robert Sylvester Smith | 192. Adrian Willard |
| 158. Frederick Spires | 193. Daniel Williams |
| 159. Lynn Spurlock | 194. Mario Williams |
| 160. Keion Stanfield | 195. Curtis Wilson |
| 161. Joseph Stanford | 196. Joe Womack |
| 162. Remington Steele | 197. Dominico Young |
| 163. Keith M. Steinmetz | |

For the reasons stated in the accompanying memorandum, Defendants respectfully request that the Court dismiss the above 197 named Plaintiffs with prejudice. Defendants request such other and further relief as the Court deems just and proper.

Date: January 14, 2022.

NATHAN “BURL” CAIN, in his official capacity as Commissioner of the MDOC; JEWORSKI MALLET, in his official capacity as Deputy Commissioner of Institutions for MDOC; TIMOTHY MORRIS, in his official capacity as Superintendent of MSP; DONALD FAUCETT, in her official capacity as Chief Medical Officer of MDOC; LEE SIMON, in his official capacity as Area I Warden at MSP; TRACY McDONALD, in her official capacity as Area II Warden at MSP; and SONJA STANCIEL, in her official capacity as Chief of Security at MSP

By: /s/ Cody C. Bailey
One of Defendants’ Attorneys

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CERTIFICATE OF SERVICE

I, Cody C. Bailey, hereby certify that on January 14, 2022, I caused the foregoing pleading to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record. I further certify that I have served the following individuals *via* United States Mail, postage prepaid, to their last known address:

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Marshall County Correctional Facility
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Holly Springs, MS 38634-5188

Gregory Canerdy
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TCCF
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Tutwiler, MS 38963

Wesley Clayton
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Donte Conner
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¹ In an attempt to ensure receipt, Defendants have included additional addresses on file with MDOC where available to supplement those addresses used by Plaintiffs' counsel. *See* [Docs. 229, 235].

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/s/ Cody C. Bailey

One of the Attorneys for the Defendants